

Re: DMCA Copyright Claim: 2021-08-28T08:50:04.203693157Z - Acerthorn

From: DMCA (dmca-notifications@justin.tv)
To: dmca-notifications@twitch.tv; acerthorn@yahoo.com
Date: Tuesday, August 31, 2021, 08:34 PM CDT

Hello,

We have received a counter-notification (pasted below) in response to your notification of claimed infringement. We have noted this under our repeat infringer policy and may replace or cease disabling access to the material(s) complained of and/or restore the Twitch user's account within 10 business days. Thank you!

- MG
Twitch DMCA Ops
dmca-notifications@twitch.tv

From: **Sofiann P** <SofiannP@hotmail.com>
Date: Sat, Aug 28, 2021 at 1:00 PM
Subject: RE: You have received a copyright takedown
To: dmca-notifications@twitch.tv <dmca-notifications@twitch.tv>

URL(s) where the material that was the subject of the notification of claimed infringement appeared before it was identified, removed, or access to it was disabled:
<https://www.twitch.tv/videos/1102055994>

Name of the claimant who submitted the notification:
David Stebbins

Twitch channel:
SofiannP

Contact Info:
Karl Sofiann Axel Polano
SofiannP@hotmail.com
Regensbergstrasse 120, Zürich 8050, Switzerland
+41767021143

I, **Karl Sofiann Axel Polano**, wish to state that:

- I consent to the jurisdiction of the Federal District Court for the judicial district in which my address is located, or if my address is outside of the United States, the judicial district in which Twitch may be found, and will accept service of process from the claimant.
- I swear, under penalty of perjury, that I have a good faith belief that the material identified in the notification was identified, removed, and/or disabled as a result of mistake or misidentification.

Dear Twitch Staff,

I've just received notification that one of my livestream has been removed due to copyright infringement, which I know it wasn't. It was a review and criticism of David Stebbins' content as well as exposing his malicious abuse of DMCA & Copyright Strike flagging system. This individual seems to be unaware of what "Fair Use" is because the entire livestream is a clear example of it. We are currently disputing this in court (See:



[Stebbins v. Polano](#)
[3:2021cv04184 |](#)
[US District Court](#)
[for the Northern](#)
[District of](#)
[California | Justia](#)

Date Filed Document
Text; June 2, 2021: Filing
5 Initial Case
Management Scheduling
Order with ADR

dockets.justia.com



This is also the same person that has attempted to abuse the justice system to get money from Google, Walmart, Microsoft and other companies.

(See:



[DAVID STEBBINS](#)
[V. MICROSOFT,](#)
[No. 12-35082 \(9th](#)
[Cir. 2013\)](#)

DAVID STEBBINS V.
MICROSOFT, No.
12-35082 (9th Cir. 2013)
case opinion from the US
Court of Appeals for the

law.justia.com



The entire livestream was dedicated to him, criticizing his behavior as a content creator on Twitch & Youtube which falls under "Fair Use" in Europe & in the US.

If more information is needed I'll be happy to provide them.

Kind Regards,
Karl Sofiann Axel Polano

On Sat, Aug 28, 2021 at 2:06 AM DMCA <dmca-notifications@justin.tv> wrote:

Hello,

We have received and processed your notification. Proper measures have been taken to remove or disable access to this content. You should receive a confirmation email receipt shortly. Thank you!

- MG

Twitch DMCA Ops

dmca-notifications@twitch.tv

On Sat, Aug 28, 2021 at 1:50 AM 'Twitch' via DMCA-Notifications <dmca-notifications@justin.tv> wrote:

Copyrighted Work

Description: Accidental Livestream from April 10, 2021

Type: VIDEO

URL where copyrighted work can be viewed: <https://www.youtube.com/watch?v=6TSzvSW0V4w>

Reported Content

VOD: <https://www.twitch.tv/videos/1102055994> || Timestamps: | 00:05:59 -> 00:08:03

Contact Information

Relationship: Self

Owner Name: Acerthorn

Claimant Name: Acerthorn

Phone Number: 8702046516

Contact Email Address: acerthorn@yahoo.com

Twitch Email Address: acerthorn@yahoo.com

Address: 123 W. Ridge Ave, APT D, US, AR, Harrison, 72601

The claimant has checked the boxes agreeing to the 'penalty of perjury', 'good faith belief', and 'notification is accurate' statements.

Signature

David Stebbins